

REMARKS

Claims 1-3, 9-11, 13-20, and 22-25 are now pending in this application. Claims 1-3, 9-11, and 18-20 are independent. Claims 1-3, 9-12, and 18-20 have been amended, claims 4, 12, 21, and 26 have been canceled, and no claims have been added by this Amendment after Final Rejection.

All amendments have been made to place the application in condition for allowance in response to the Examiner's indication of allowable subject matter, and to overcome the asserted bases for indefiniteness. Reconsideration and allowance in view of the above amendments and following remarks is respectfully requested.

Claim Amendments After Final Should be Entered

The present claim amendments, even though submitted after Final Rejection, should be entered for the reasons stated below:

- 1) Independent claims 1-3 were amended to incorporate the allowable subject matter of multiply dependent claim 4; independent claims 9-11 were amended to incorporate the allowable subject matter of multiply dependent claim 12; and independent claims 18-20 were amended to incorporate the allowable subject matter of multiply dependent claim 21 in order to place the application in condition for allowance.
- 2) Independent claims 18-20 have been further amended in response to the Examiner's asserted bases for indefiniteness under 35 U.S.C. § 112, ¶2 to recite an apparatus, specifically, "a base station receiver", and to clarify the recitations so as to clearly identify the preamble and the bodies of the respective claims. In this regard, independent claims 18-20 have been further amended to incorporate the previously considered subject matter of multiply dependent claim 26, also to place the application in condition for allowance.
- 3) Independent claims 1-3, 9-11, and 18-20 have been amended to overcome the various bases for indefiniteness under 35 U.S.C. § 112, ¶2 of claims 1-26, also to place the application in condition for allowance.

Support for entry of this Amendment After Final Rejection may be found in 37 C.F.R. § 1.116 and MPEP 714.12.

Indefiniteness Rejection Under §112 of Claims 18-26

Withdrawal of the rejection of claims 18-26 under 35 U.S.C. §112, second paragraph, as being indefinite, is requested. Independent claims 18-20 have been amended in a manner that is believed to be responsive to each of the Examiner's stated bases for indefiniteness. Claims 21 and 26 have been canceled, thus rendering their rejection moot.

For example, independent claims 18-20 and claims depending therefrom clearly recite an apparatus, *i.e.*, a base station receiver. As mentioned above, these claims have been further amended for clarity with respect to identifying the preamble and the body of the claims, as suggested by the Examiner.

With respect to the portion of the indefiniteness rejection discussing the recitation of structure that carries out the variously claimed functions, independent claims 18-20 have been amended to incorporate the previously-considered subject matter of multiply dependent claim 26, wherein the base station receiver comprises a processor variously configured, as claimed.

Finally, having overcome the various bases of asserted indefiniteness, the allowable subject matter of multiply dependent claim 21 has been incorporated into independent claims 18-20, and claim 21 has been canceled.

Consideration and allowance of claims 18-20 and 22-25 are respectfully requested.

Indefiniteness Rejection Under §112 of Claims 1-26

Withdrawal of the rejection of claims 1-26 under 35 U.S.C. §112, second paragraph, as being indefinite, is requested. Each of independent claims 1-3, 9-11, and 18-20 have been amended in a manner that is believed to be responsive to each of the Examiner's stated bases for indefiniteness. Claims 4, 12, 21, and 26 have been canceled, thus rendering their rejection moot.

In particular, antecedent basis for the each of the limitations relating to the recited "at the beginning of the burst" and "at the end of the burst" has been provided by amendment in each of the independent claims 1-3, 9-11, and 18-20. Accordingly, consideration and allowance of claims 1-3, 9-11, 13-20, and 22-25 are respectfully requested.

Unpatentability Rejection over Miya et al., Yukimoto et al., Mouslev, and Nakamura et al.

Withdrawal of the rejection of claims 1-3, 5, 7-11, 13, 15-20, 22, 24-26 under 35 U.S.C. §103(a) as being unpatentable over Miya et al. ("Miya") (US 6721367) in view of Yukimoto et al. ("Yukimoto") (US 6191736), Mouslev (US 6470006), and Nakamura et al. ("Nakamura") (US 6442218) is requested.

Independent claims 1-3 have been amended to incorporate the allowable subject matter of multiply dependent claim 4; independent claims 9-11 have been amended to incorporate the allowable subject matter of multiply dependent claim 12; and independent claims 18-20 have been amended to incorporate the allowable subject matter of multiply dependent claim 21, thus rendering the unpatentability rejection of claims 1-3, 5, 7-11, 13, 15-20, 22, 24-26 moot.

Allowance of claims 1-3, 5, 7-11, 13, 15-20, 22, 24-26 is respectfully requested.

Unpatentability Rejection over Miya/Yukimoto/Mouslev/Nakamura and Shen et al.

Withdrawal of the rejection of claims 6, 14, and 23 under 35 U.S.C. §103(a) as being unpatentable over Miya, Yukimoto, Mouslev, and Nakamura in view of Shen et al. ("Shen") (US 6483884) is requested.

Independent claims 1-3; 9-11; and 18-20 have been variously amended to incorporate the allowable subject matter of multiply dependent claims 4, 12, and 21, thus rendering the unpatentability rejection of claims 6, 14, and 23 moot.

Allowance of claims 6, 14, and 23 is respectfully requested.

Allowable Subject Matter

Applicants note with appreciation the indication that claims 4, 12, and 21 are drawn to allowable subject matter, and would be allowed if rewritten in independent form.

In reliance upon the indication of allowable subject matter, the allowable subject matter of dependent claims 4, 12, and 21 has been incorporated into the various independent claims, as discussed above. Further, the alleged bases for indefiniteness have also been rendered moot by the present Amendment, thus placing the application in condition for allowance.

Comments on the Previous Unpatentability Rejections

Applicants have amended claims 1-3, 9-12, and 18-20, and have cancelled claims 4, 12, 21, and 26 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Comments on Miya

Miya appears to teach a method where timing detection circuit 504 to text t0 and t1 when the power is large, and adaptive array antenna reception circuit 506 combines signals received by the three antennas so that a desired wave or signal-to-interference ratio reaches a maximum value for each of the reception timings t0 and t1 using the weighting factors, and finally combines additional reception signals corresponding to two paths.

Then, adaptive array antenna reception circuit 506 outputs resulting reception signals and two reception weighting factor sets to be multiplied on the Reception signal of each antenna (col. 8, lines 50-65). When it comes to calculation of weighting factors, Miya only teaches that the calculation is based on an advance information signal (col. 1, lines 61-67).

Miya does not disclose, teach, or suggest determining a first weighting coefficient by comparing the strength of the signal the base station receives in a time slot with the strength of the signal the base station receives in a previous timeslot, for a example.

Comments on Yukimoto

Yukimoto appears to teach that two weight controllers are used, controlled by a switch (col. 3, lines 3-19). The objective is to speed up the calculation of weights. The switch is controlled to connect the second weight controller to calculate weights for a timeslot, while the first weight controller concurrently calculates the weights for a previous timeslot (col. 4, lines 10-55).

Yukimoto does not disclose, teach, or suggest determining a first weighting coefficient by comparing the strength of the signal to base station receives and a timeslot with the strength of the signal the base station receives and a previous timeslot, for example.

For clarification of the record in this application, Applicants note that there appears to be an inconsistency in the Final Office Action, since the Examiner first states that Miya discloses determining a first weighting coefficient by comparing the strength of the signal the base station receives in a timeslot with the strength of the signal the base station receives in a previous timeslot, and determining a second weighting coefficient by comparing the strength of the signal to base station receives in a timeslot with the strength of the signal to base station receives in a following timeslot. Later, the Examiner states the opposite, but that Yukimoto teaches this limitation (see page 5 of the Final Office Action).

Comments on Mouldsley and Lack of Motivation to Combine

Applicants submit that Mouldsley relates to a different technical field, namely the field of timing control of a transmission of a timeslot within a frame, while Miya and Yukimoto are related to the different technical field of signal reception. Thus, Applicants assert that a person of ordinary skill in the art would not have been motivated to combine Mouldsley with Miya and Yukimoto in the manner suggested by the Examiner.

Even assuming, *arguendo*, that a person of ordinary skill in the art *would be* motivated to combine the references in the manner suggested by the Examiner, ***a proposition with which Applicants specifically disagree***, the skilled person would not arrive at Applicants' claimed invention, since Mousley teaches carrying out interference measurements using a cyclic redundancy check (see Abstract, and col. 4, lines 49-61, for example), and not by Applicants' claimed technique of reducing the significance of symbols in a soft bit decision-making process, as incorrectly asserted by the Examiner.

Conclusion

All rejections having been addressed, Applicant submits that each of pending claims 1-3, 9-11, 13-20, and 22-25 in the present application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the Undersigned Attorney is available at the telephone number indicated below.

The Examiner is respectfully requested to enter this Amendment After Final Rejection, in that it raises no new issues, but merely places the claims in a form more clearly patentable over the references of record by incorporating allowable subject matter into each of the independent claims. In the alternative, the Examiner is respectfully requested to enter this Amendment After Final in that it reduces the issues for appeal.

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For any fees that are due, including fees for excess claims and/or extensions of time, please charge Deposit Account Number 03-3975 from which the Undersigned Attorney is authorized to draw. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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Respectfully submitted,

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